

MINUTES OF
FAUQUIER COUNTY TRANSPORTATION COMMITTEE
September 30, 2009

7:00 P.M.

2nd Floor Conference Room – Warren Green Building
10 Hotel Street
Warrenton, VA 20186

Members Present: Matthew Smith, Chairman, J. David Cubbage, Peter S. Eltringham, Adrienne Garreau, R. Holder Trumbo

Members Absent: Laurence Mason, Vice-Chairman, William D. Nace, Sam Poles and Jeffrey Walker

Guest Present: Kevin Burke, County Attorney, Deirdre Clark, RRRC

Staff Present: Rick Carr, Susan Eddy, and Cynthia Porter-Johnson

1. *Approval of July 29, 2009 Committee Meeting Minutes*

ACTION:

On motion made by Adrienne Garreau and seconded by Peter Eltringham, it was moved to approve the July 29, 2009 Committee meeting minutes with corrections. The motion carried unanimously.

2. *Presentation on Conservation Easements and Transportation Planning – Kevin Burke, County Attorney*

Mr. Kevin Burke, County Attorney gave a presentation of conservation easements. Mr. Burke explained that there are (2) two kinds of conservation easements in Virginia that may potentially have an impact on transportation planning. The first are privately held easements by non-governmental entities such as the Nature Conservancy and charitable organizations, which are authorized by the Virginia Conservation Easement Act. These types of easements do not have any direct impacts on transportation plans. They may heighten some type of review, but they are not likely to affect transportation planning in any significant way. The second kind of conservation easements are ones held by a governmental body such as the Virginia Outdoors Foundation (VOF). These easements are permitted by the Open Space Land Act, which has within it provisions that can have a significant impact on transportation planning.

Mr. Eltringham asked if Mr. Burke had a list of the governmental bodies which holds easements that have the power to impact transportation planning projects.

Mr. Burke replied by listing the VOF, the County, Department of Historic Resources, and the John Marshall Soils and Conservation District.

Mrs. Eddy asked about battlefield easements.

Mr. Burke responded stating that battlefields are typically federally held easements.

Ms. Garreau asked how federally owned easements occur and who would actually hold the easement.

Mr. Burke replied that the federal government often holds battlefields in fee simple. According to Mr. Burke, these easements could not be condemned. There are also a lot of battlefields that are held by the Virginia Department of Historic Resources.

Mr. Trumbo added that the VOF does not take an easement to stop a project.

Mr. Burke indicated that conservation easements are supposed to be consistent with the comprehensive plan.

Mr. Trumbo asked if a historic easement falls within the realm of a conservation easement.

Mr. Burke replied yes. The Open Space Land Act governs easements that are held by public bodies for recreation purposes and for historic preservation purposes.

Mr. Trumbo asked about recreation easements specifically for trails.

Mr. Burke replied that trail easements are usually created as part of the subdivision plat.

Mr. Trumbo asked if the comprehensive plan has an alignment for the Route 211 – Route 17 Connector that borders Fenton Farm and the land owner wanted to put it in an easement, what would happen.

Mr. Burke replied saying that the VOF would normally ask the County if an easement is consistent with the comprehensive plan. If the county wanted the eased property to accommodate a planned road, the County would say it is in the plan and ask that the portion of the property that is bound by the comprehensive plan not be eased. The code says consistently that the easement shall be consistent with the comprehensive plan.

Ms. Garreau asked if VDOT views Route 215 as a future (4) four lane road, would that make it more difficult to be eased.

Mr. Burke responded saying it is not a question of easing the property, but it is a question of accommodating the project within the easement.

Mr. Cabbage shared his experience working on transportation projects with properties subject to VOF easements in other counties.

Mr. Eltringham stated that there is a need for a handbook so that planners would know when they are driving into danger on transportation planning with regard to conservation easements.

Chuck Medvitz asked if the public body decides that they need space for orderly development, does the replacement property that goes into an easement have to be within the geographic jurisdiction.

Mr. Burke responded by saying code does not say that it does. Mr. Burke discussed a previous railroad case in Warren County as an example.

3. *Consider a request for three-way stop signs at each cul-de-sac along Cedar Run, Millwood Drive, and Atlee Road (Route 674) (Center District) – Natalie Litwinowicz*

This item was tabled until next month.

4. *Determination by VDOT as to whether Grays Mills Road for its entire length and Baldwin Street (between Grays Mills Road and Route 29) qualify as “Residence Districts” per the Code of Virginia §46.2-874*

Mr. Cubbage stated Route 673 (Baldwin Street) from Route 29 to Route 674 (Grays Mill Road) is four tenths of a mile length. It currently has (22) twenty-two parcels on it and (100%) one hundred percent of the parcels are occupied. Based on the review of the road characteristics and per the Code of Virginia §46.2-874, this portion of Route 673 does qualify as a residence district.

Mrs. Eddy asked Mr. Cubbage if the County were to request the speed limit be lowered to 25 mph, what would need to happen.

Mr. Cubbage replied stating that this determination is a review and makes the statement that it qualifies. Mr. Cubbage stated that he would need a resolution from the County requesting the reduction in the speed limit.

Chairman Smith asked how the results of this review affects the fact that studies showed a reduction in the speed limit was not warranted.

Mr. Cubbage responded stating that the code section overrides the studies.

Chairman Smith asked does it make sense to drive 25 mph through this area.

Mr. Cubbage replied yes. The speed study does not support reducing the speed limit to 25 mph; however, the enabling legislation recognizes that the speed limit may be posted 25 mph.

Mr. Trumbo asked about Route 274.

Mr. Cabbage stated that Grays Mill Road was reviewed as requested from Route 673 to Route 29; however only a portion of 1.15 miles from Grays Mill Road to 1.15 miles northeast qualifies. The other portion does not qualify because (75%) seventy-five percent of the properties are not occupied by residents.

Ms. Garreau asked when Grays Mill Road gets fully developed as a business park or an industrial park, would it then qualify.

Mr. Cabbage replied no, it would still not qualify. The key is occupancy not zoning.

Mrs. Eddy asked does it have to be a total residential area or a total business area to qualify.

Mr. Cabbage replied that it has be (75%) seventy-five percent occupied by residents or by businesses.

Mr. Trumbo asked what about Grays Mills Road from Baldwin Road back to Route 605.

Mr. Cabbage indicated that he did not review that portion of Grays Mill Road. He interpreted the request as Baldwin to Route 605.

Mrs. Eddy clarified that the request was for the entire length of Grays Mill Road, and Baldwin Street between Grays Mill Road and Route 29.

Mr. Trumbo asked what is the posted speed limit on Grays Mill Road between Baldwin Street and Route 29. Mr. Trumbo stated that the reason he wanted to know the speed limit is because he is not sure it would be a good idea for the committee to make this a 25 mph zone if it turns into a 45 mph zone.

Chairman Smith stated he believes Baldwin goes from 25 mph to 35 mph.

Mr. Trumbo asked that this become an agenda item for the Committee next month and that a recommendation be considered to the Board of Supervisors (BOS) to make this section of Baldwin Street 25 mph.

Mr. Cabbage shared that the Virginia legislature is proposing to make the state-wide statutory speed limit 45 mph on non-posted roads and 35 mph on gravel roads. According to Mr. Cabbage, this change will be of little to no impact to Fauquier County.

5. *Requests to forward to VDOT*

- Consider a request from Mark Mickum to add a hidden entrance sign on Bust Head Road (Route 628)

Mr. Cabbage indicated that typically hidden signs are for commercial entrances and entrances that serve multiple residences.

Mr. Trumbo asked what is done for barns where people are coming in and out with horses and horse trailers.

Mr. Cabbage replied that is a commercial entrance because it serves an entity other than a single family dwelling.

Ms. Garreau asked about home occupations.

Mr. Cabbage replied it means that you are opening up this property to the public so it would be a commercial entrance.

Mr. Trumbo asked if the owner could put a sign up on his own tree or fence.

Mr. Cabbage indicated that the owner could put up his own sign as long as it is not in the VDOT right-of-way.

Mrs. Eddy will contact Mr. Mickum and let him know that his request does not meet the criteria.

6. *Route 29 Corridor Study (Rick Carr)*

Mr. Rick Carr gave a presentation on the Route 29 Corridor Study and discussed maps with the committee. He apologized that the committee did not have an opportunity to properly review it prior to making it a recommendation. Mr. Carr noted areas that agreed and did not agree with the County's Comprehensive Plan. The biggest issue discussed was the inclusion in the Route 29 Study Recommendations of the Buckland Bypass, which the County opposes.

Mr. Trumbo stated that the committee should consider making a recommendation. The comment period ends October 16, 2009.

Mr. Eltringham asked if the committee could come up with a letter of recommendation with individual signatures versus a vote since a quorum was not present.

The Committee agreed that in view of the time constraints, the committee would formulate a letter of recommendation for Board consideration, working with county staff. This letter would be drafted and signed by committee members no later than Wednesday, October 7, 2009.

7. *Citizens' Time*

No one spoke at this time.

8. *Other Items*

Mr. Trumbo rode the train from Manassas to Culpeper. He indicated that they are running a specific train for commuters once a day.

Ms. Garreau stated that it appears the School House Road road project could qualify for the safe route to schools program. There is very limited sidewalk on School House Road. It does not appear to be as much of a concern for the kids. Ms. Garreau thinks the biggest problem is that there is going to be a traffic accident. The school will apply for a grant.

There being no further business, the meeting was adjourned at 8:53 p.m.
The next meeting will be held on **Wednesday, October 28, 2009.**